



FAIR POLITICAL PRACTICES COMMISSION

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March 18, 2015

Ms. Dendra Dengler
419 Beach Drive
Arcata, CA 95521

Re: Your Request for Advice
Our File No. A-15-039

Dear Ms. Dengler:

This letter responds to your request for advice regarding the conflict of interest provisions of the Political Reform Act (the "Act").¹ We are providing advice under the conflict of interest provisions of the Act and not under other general conflict of interest prohibitions such as common law conflict of interest or Section 1090.

QUESTION

Can you participate in discussions and vote as a board member on items during the visioning workshops as to creative and engaging uses for the community center, which is located about 300 feet from your residential real property.

CONCLUSION

The Act's conflict of interest provisions do not prohibit or restrict you from participating in visioning workshops with the community about future uses for the community center because your participation in the workshops will not have a reasonably foreseeable measureable impact on the value of your residential real property.

FACTS

You are on the board of directors of Manila Community Services District. The District is developing a "visioning" process for the Manila community center. A facilitator was recently

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

hired to conduct the visioning workshops to elicit information and reach consensus on a shared vision for the uses of the community center.

As to the current uses of the community center, the District now leases six rooms at the center to Redwood Coast Montessori School. The Manila Family Resource Center also rents two rooms at the center. The District fiscally sponsors the Manila Family Resource Center, which is funded by grant monies from First Five and Humboldt County Department of Health and Human Services. The large gymnasium-like main hall is shared by various users at different times. The Montessori school wishes to expand further, possibly taking one or both rooms the Family Resource Center is currently utilizing and renting.

You live within 300 feet northwest of the District's community center. There are two other parcels (one with a triplex and the other a three-story house) between your residence and the community center. The road you live on, Beach Drive, exits onto Peninsula Drive, approximately 500 feet from the northeast edge of your property line. From that point there are four residences and another street (Shell Drive) to the edge of the district property line where the community center is sited. There is a three-story house and a forested wetland area so you have no view of the community center from your home.

You ask whether you can participate in discussions and vote as a board member on items during the visioning workshops or on the final outcomes. You have not participated as a board member in decisions or discussion about future uses of the community center to date.

ANALYSIS

Generally, under Regulation 18702.2(a)(11), an official has a conflict of interest when participating in any governmental decision that involves real property located within 500 feet of the official's real property. However, this provision allows Commission staff to apply an exception when the official makes a request for formal advice and the Commission "determines that there are sufficient facts to indicate that there will be no reasonably foreseeable measureable impact on the official's property." (Regulation 18702.2(a)(11).)

Because the District Community Center is within 500 feet of your residential real property, you ask whether you may participate in discussions during the visioning workshops about the optimal uses for the community center. Nothing in the Act prevents or restricts you from participating in community discussions that take place during the visioning workshops, as participating in the visioning workshops at the community discussion phase will not have a reasonably foreseeable measureable impact on the value of your property.

You also ask about whether you can vote as a member of the District on "final outcomes" of the visioning workshops, i.e., for various programs and uses of the Community Center discussed at the workshops. This of course depends on what each decision is and whether it is reasonably foreseeable it will have a measureable impact on your property. Unfortunately we

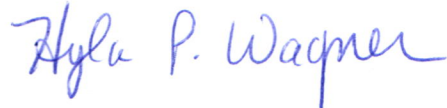
cannot advise on this in advance without knowing the governmental decisions that you will be voting on.

One possible outcome that you have specified is that the Montessori school that is currently operating in the community center may want to take additional rooms. If the Community Service District votes on this issue, the Act's conflicts rules would not restrict you from participating because there would be no reasonably foreseeable measureable impact on the value of your property. (Regulation 18702.2(a)(11).)

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

John W. Wallace
Assistant General Counsel



By: Hyla P. Wagner
Senior Counsel, Legal Division

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LEGAL DIVISION ASSIGNMENT SHEET

Tracking Number:	15040
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ITEM DESCRIPTION			
Advice Letter No.	15-039	Requestor	Dendra Dengler
Regulation Project No.			
Other (describe)			

Received By FPPC On:	04/09/15	Due Date:	04/08/15
Assigned To:	Hyla	Date To Assignee:	03/11/15
Date sent to AG/DA (if 1090)		Date AG/DA respond, if any	

REVIEWERS	Date To Review	1st Approval & Date (Including Regulation Notices)	Date To Review	Final Approval & Date (Incl. Regulation Adoption Memos)
Proofed				
Senior	3/17/15	WJL		
TAD Chief (SEI, Campaign, Conflict of Interest Code letters)				
Assistant GC		JWW		
General Counsel				
Executive Director (discretion of GC)				
Chair (discretion of GC)				